



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Larry J. Montelth, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

35

Chief Administrative Officer

At its meeting held July 6, 1993, the Board took the following action:

45

Supervisor Antonovich made the following statement:

"The County of Los Angeles maintains a full time, in-house advocacy office in Sacramento at a cost of \$570,000 a year. Given the County's severe budget crisis, as well as the adverse outcome to the County during State Budget Deliberations, now is an opportune time to review the cost and effectiveness of our Sacramento operation."

"I, therefore, recommend that the Board instruct the Chief Administrative Officer to review the cost and effectiveness of our Sacramento office and report back to this Board within 30 days with recommendations for improvement, including possible contracting out of all or part of our representation."

Supervisor Molina made the following statement:

"Previous County lobbying practice was to adopt Board policy guidelines to guide County representatives. However, individual positions on legislation do not require approval by the Board."

(Continued on Page 2)

Syn. 45 (Continued)

"I, therefore, recommend that Supervisor Antonovich's motion be amended to include that the Chief Administrative Officer be instructed to present the Board with recommendations for legislative action on each bill prior to action by the County Representatives."

Supervisor Antonovich accepted Supervisor Molina's amendment.

On motion of Supervisor Antonovich, seconded by Supervisor Molina, unanimously carried, the Board instructed the Chief Administrative Officer to:

1. Review the cost and effectiveness of the County's in-house advocacy office in Sacramento, and report back within 30 days with recommendations for improvement, including possible contracting out of all or part of our representations; and
2. Present the Board with recommendations for legislative action on each bill prior to action by the County Representatives.

10706-4.com

Copies distributed:
Each Supervisor
County Counsel



COUNTY LEGISLATIVE PROCESS

I. DEPARTMENT LEGISLATIVE ANALYSES

The following describes information which should be included in legislative analyses prepared by departments.

1. GENERAL QUALITY REQUIREMENTS

Legislative analyses serve two basic functions:

- to provide information necessary both to determine whether the Board of Supervisors should take a position on the bill and to justify the position recommended to the Board; and
- to provide information which will be useful to the County's legislative representatives in persuading State and Federal legislators to vote for or against the bill.

The analysis is a comprehensive summary of a bill's contents, necessary to inform the Board about the bill and its impact on the County. The analysis, is subsequently used by our Sacramento and Washington, D.C. representatives the County's position. It is not uncommon for our legislative representatives to later request that departments provide additional technical or clarifying information.

2. POINT OF VIEW

For the department analyst, "impact on the department" means:

- impact on department revenue or expenditures;
- impact on department operations; and
- impact service recipients or matters properly within the scope of the department's legal authority and responsibility.

If the department has additional information about a bill's impact which goes beyond these limits, it is appropriate to include it in the analysis. For example, if other departments may be affected, you should mention the department(s) in the appropriate section of the analysis form.

3. **AMOUNT OF DETAIL**

The amount of detail expected normally varies with the complexity and/or importance of the bill from the department's point of view. (In some cases, the Chief Administrative Office (CAO) may ask a department for more detail than the department would otherwise give because of the importance of the bill for other parts of County operations.) Departments should follow these guidelines:

- a. The amount of detail provided should correspond to the complexity and importance of the bill in terms of County impact. Analyses of major impact bills should contain enough information to document that the bill is of major importance.
- b. The information provided should only be detailed enough so that the position recommended follows logically. A reader should be able to predict the department's recommendation from a reading of the analysis.
- c. Avoid using technical terms in analysis of legislation. Write for the reader who is not familiar with the details of your department's operation.

4. **CONTENT**

Analyses of bills with significant impact should contain the information described below. This information is necessary to convince legislators of the validity of the County's position. Hard facts and figures are essential to successful legislative advocacy.

- a. Mandates: Specify any new or changed functions mandated upon the department.
- b. Operations: Describe how the department will have to change its operations. Quantify new or reduced workload and staff to the extent possible.
- c. Finances - Costs: Specify amount of new cost or cost saving per time unit. If precise information is unavailable, give best estimates. The analysis of operational impact should interrelate with and support the cost estimates.
- d. Finances - Revenues: Specify amount, or best estimate, per time unit (year, month, etc.). Give supporting information. This applies both to increases and decreases in revenue.

- e. Impact on the department's area of responsibility: For example, if a department has legal responsibilities toward a given segment of the population (such as the Public Administrator to potential wards and conservatees), it is appropriate to show a bill's effect on that caseload even if there is no direct effect on department operations.

March 11, 1993
Intergovernmental Relations Branch
Chief Administrative Office

II. RECOMMENDING COUNTY POSITIONS ON BILLS

The following outlines the process, starting with receipt of a new bill by the CAO Intergovernmental Relations (IGR) Branch and ending with legislative advocacy, by Sacramento or Washington, D.C. legislative representatives of a County position.

1. RECEIPT AND REFERRAL OF BILLS

- a. IGR receives a bill (original or amended version) and refers it to the appropriate CAO Branch legislative coordinator for assignment to the CAO budget analyst.
- b. CAO budget analysts refer bills to their departments based on possible impact on County finances or operations or because they are of special interest to the Board or County residents.
- c. Unless otherwise instructed by individual budget analysts, departments should only submit analyses for legislative bills with significant County impact and for which County positions are recommended. Whenever possible, department should use their Statewide associations for advocacy on measures which are of programmatic interest but do not have a significant impact on the County.

NOTE: Departments are also expected to advise the CAO budget analyst of any significant bills which have not been referred.

2. DEPARTMENT LEGISLATIVE ANALYSES

The departments should complete their analyses using the standard Legislative Analysis Format. See Attachment I for a sample form.

On measures with major County impact, prompt completion of analyses is essential. State legislative committees may hear bills 30 days after they are introduced. For maximum effect, our legislative representatives must work with authors and committee members before the hearing takes place. In all cases, the earlier in the life of a bill they intervene, the greater are their chances of success fully influencing the bill's course.

In some cases time pressures may make it necessary for the CAO budget analyst to ask for quick input by telephone. If requested, departments should follow up on these conversations with a written legislative analysis as soon as possible.

As appropriate, departments should consult with their assigned Deputy County Counsel in preparing legislative analyses and recommending County position.

In the case of amended bills, if the department has already submitted an analysis of the original bill or of an earlier amended version, it is enough to state how the amendment changes the earlier version, and to confirm the position recommended. If the amendment results in a change in the department's recommendation, your comments should justify this change.

3. **RECOMMENDATIONS FOR COUNTY POSITIONS**

In recommending positions, departments should choose from among the following:

- a. **Favor:** This is the position for bills having a favorable fiscal or operational effect on County programs and which are in accordance with established Board policy.
- b. **Oppose:** This is the position for bills which mandate unjustified costs to the County General Fund, interfere with efficient administration and operation of the County, and/or are in opposition to policy adopted by the Board.

When the County opposes a bill, our legislative representatives must testify against it in committee, often against expert technical witnesses. To do this, they must have logical reasons and firm fiscal information to substantiate the Board's opposition. If possible, we should seek amendments to bills rather than oppose them. This is the best approach in obtaining a hearing from the bill's author and his/her fellow legislators and consequently the most effective way of dealing with such legislation.

- c. **Oppose Unless Amended:** This is the position for a bill which is basically undesirable but can be rendered unobjectionable by amendment. This is also the basic position for bills which impose costs upon the County without provision for State reimbursement. If the bill is amended as requested, the County position automatically becomes "No Position."

NOTE: When the recommendation is to amend, the analysis must state the amendment in plain language. Formal legislative language is not necessary. Help in formulating amendments, however, is available from the Deputy County Counsel assigned to your department. This also applies to "Favor if Amended" and "Favor and Amend" position below.

- d. **Favor If Amended:** This is the position for a basically good bill, which nevertheless has some feature or features which make it unacceptable in its present form. If the bill is amended as requested, the County's position automatically becomes "Favor." Until so amended, the County's position is "No Position."

- e. **Favor and Amend:** This is the position for a good bill which would be even better if amended. In this case, the County's position is "Favor" whether or not the bill is amended, but the Legislative Representative also has instructions to work for amendments.
- g. **No Position:** These bills may be of significant public interest or of interest to the Board members. You do not need to analyze such a bill unless specifically requested. If an analysis is prepared, it should indicate "No Position" as the recommended positions and why (in the appropriate section of the analysis) the bill is important although its impact on County operations may be minimal.

4. **FINAL ANALYSES**

After completing the analysis of a bill, the department should FAX it to their respective CAO budget analyst for clearance and forwarding to IGR.

In analyzing bills which affect multiple departments, the CAO Branch identified as the lead is responsible for coordinating analyses from all affected departments and for drafting an analysis for that particular bill. The final analysis is a composite of the department analyses with a CAO recommendation for a position by the Board. In the event that the CAO recommendation on a bill does not correspond with that of the department(s), or if the departments do not all make the same recommendation, the final analysis will routinely report each department's recommendation.

The final analysis, including the recommended County position, normally goes to the Board as part of periodic legislative policy memos prepared by IGR. Occasionally, Board members request analyses from the CAO for bills that departments may not have identified as having a significant impact on the County and, therefore, for which they have not prepared analyses. In this case, the CAO budget analyst will request an analysis from a department and transmit the analysis with recommendation, if appropriate, by way of a memo to the Supervisor with a copy to IGR. In all cases, informational copies of the CAO correspondence to the Board routinely go to each department affected by the bill or bills in question.

March 11, 1993
Intergovernmental Relations Branch
Chief Administrative Office

HOW TO DO LEGISLATIVE ANALYSIS

**PRACTICAL GUIDELINES FOR
COUNTY DEPARTMENT ANALYSTS**

INTERGOVERNMENTAL RELATIONS BRANCH

CHIEF ADMINISTRATIVE OFFICE

LOS ANGELES COUNTY

**MARCH 15, 1983
REVISED: MARCH 8, 1993**

TABLE OF CONTENTS

INTRODUCTION	iii
CHAPTER I: BASICS	1
CHAPTER II: CHAIN OF COMMAND	7
CHAPTER III: BILL FORMAT	10
CHAPTER IV: LEGAL BIBLIOGRAPHY	14
APPENDIX	

INTRODUCTION

The addressees of this paper are the analysts in the County departments whose job it is to analyze State and Federal legislation. The paper is intended as a practical technician's manual for the analyst, not as a statement of County policies. Such references to County policy as appear in this manual are subordinate to its purpose as a handbook. Their intent is to make explicit for the analyst the overall purposes for which application of technical expertise should serve.

CHAPTER I

BASICS

The purpose of this chapter is to tell you, the analyst, some of the basic methods with which to approach the task of analyzing legislative proposals.

1. **KNOW THE LINES OF AUTHORITY AND RESPONSIBILITY** (Chain of Command).

Read and study Chapter II, Chain of Command, until you know the place occupied in the chain of command by all the players. Remember, in all legislative analysis, the bottom line is always the answer to the following questions:

- First, how will it affect your department (or the County)?
- Second, how will it affect California (State level)?

It is important to understand the law itself. It is even more important to understand what the law will do to us, what we will have to change in our present practices in order to comply with it.

As an analyst, you may not have enough knowledge of program detail to analyze, without help, the impact of all bills. You will have to get input from others. Therefore, you have to formulate specific questions, because the question will tell you whom you have to contact for input.

To help you in analysis, you should always approach any specific provision of a bill with two questions:

- a. Who in your department is responsible for the program affected by the bill? Make this question very specific. That is, locate the specific section in your department and, if you can, even the individual person who is responsible for program implementation.

Sometimes, the level affected will be a section of a State department. If the matter is important enough, you may want to get input from the State, especially if the law presents the State with new options where their decision will affect the County. In a matter of interpretation, do not assume the County and the State will always agree.

- b. Does the bill say "shall" or "may"? That is, is it mandatory or enabling?

A mandate will usually have an easily predictable effect on the County even if it is in a Federal bill directed at the State. This is because the State has no option but to comply. If the mandate affects a County-administered program, we will then have to make program changes to comply.

If the provision is enabling, the situation is more complex, because you now have to analyze, not the direct consequences of the provision, but rather the list of options it creates for the State and/or the County and the consequences of each option. Also, it is important to localize specifically who has the options created by the enabling provision:

- The California Legislature?
- A State department? Which one?
- The Los Angeles County Board of Supervisors?
- A County department? Which one?

If someone other than your department has the option, you may want to recommend action to affect their choice. This is another reason why it is important to locate responsibility exactly. Much staff time and paper gets wasted in letters carrying protests and recommendations to the wrong address.

2. DO NOT RELY ON ANALYSES AND SUMMARIES DONE BY OTHERS

It is a good idea first to summarize and analyze a bill independently, and only then to read what others have written. Be especially cautious of analyses done by others, just as others are well advised to be cautious of your analyses. The reason for this advice is not lack of competence, but rather difference in specialized interest or point of view. You will normally analyze a bill primarily from the point of view of a bill's impact on your department, or your division or section within your department. Others will do the same. This means that other analysts may be silent about some aspects of a bill which should be important to you, and on which you should comment.

This approach works for the system as a whole because the department's legislative contact coordinates input from the different parts of the department, and the Chief Administrative Officer (CAO) coordinates the analyses from the different departments. For you, as an analyst, it means you have to do your own independent analysis; however, if other departments may be affected, you should mention the department(s) in the appropriate section of the analysis form.

3. LOOK FOR DOLLAR SIGNS

Many bills have a predictable dollar impact upon either your department or the County as a whole. Unless you are in a budget section, you may not be responsible for computing the dollar amount. You can, however, learn to recognize when a bill carries a financial impact even if you cannot compute the amount of that impact. You can also learn to predict the direction of that impact, this is, cost increase or cost saving, for your department or the County. Sometimes, you may be able to get input from pertinent program sections which will help in cost computations; for example, probable number of staff hours per month which a new procedure would require. You should mention these things in your analysis and work together with a budget person or suggest a budget analysis.

To decide whether a bill has a dollar sign attached to it, look for the following indicators:

- a. Does the bill make an appropriation for potential grants to a County department for demonstration projects or for any other purposes? Is there a requirement for a County match? What is the matching rate? In the case of a Federal bill, are there potential grants to the State for which your department could qualify as a quasi-state agency (because of the State-supervised County-administered structure of many programs in California)? In such a case, would the County then pay the State match, if any? If these questions arise in your mind, and you are not sure of the answers from your reading of the bill, get input from others. This is RULE ONE: Ask the right questions.
- b. Does the bill change the matching rate on an existing co-funded program?
- c. Does the bill contain "start-up" grant money? That is, is there grant money which will last only a limited time, such as one or two years? This can mean County savings at the beginning, and increased County costs later when the grant runs out. If the program has developed a political constituency which supports it, it may become practically impossible to terminate the program later on.
- d. Does the bill mandate new program or clerical procedures on your department? Are such procedures a necessary condition of the grant money? Will conforming with the bill indirectly entail extra staff time, whether time of line operations staff, of clerical staff, or of supervisory or administrative staff? If you suspect this but are not sure, get input from appropriate program or operations staff. (This is part of the reason for a rule stated earlier: Ask the question precisely, what specific section in your department will implement the program described in the bill?)

- e. Does the bill relieve your department of presently existing staff responsibilities? This is the reverse of the previous question.
- f. Will the bill make your department change existing procedures? Here, again, you may need to seek input from appropriate program or operations staff to answer the question whether more or less staff time will be needed to carry out the changed procedures.

If the answer to any of these questions is yes, make as good a general impact statement as you can and recommend a cost analysis if you are not a budget person.

4. LOOK FOR "SB 90 ISSUES" IN STATE BILLS

"SB 90 issue" is a common expression for a series of enactments over the past years which together provide the following:

- If the State passes a law, or promulgates an executive regulation, which mandates a new program upon the counties, the State must pay to the counties the full cost of the new program.
- If the State passes a law, or promulgates an executive regulation, which in any way increases the cost to the counties of operating an existing program, the State must pay to the counties the added cost entailed in compliance.
- If the State, by law or regulation, mandates upon the counties a previously optional program, the State must assume the total costs of the now mandated program.

In analyzing any State bill, you should ask the question: Does the bill do any of the above three things? If you are not sure, get input from the appropriate people. (You are back to an earlier question: What section of your department will carry out the program described in the bill?) It often happens that the County believes that a bill does one of the above three things, while the State denies it. Therefore, if your analysis shows that a bill will increase County costs, or mandates a formerly optional program, you should ask the following questions:

- a. Does the bill contain any reference at all to the SB 90 issue? Look toward the end of the bill for a reference to the constitutional or statutory provisions requiring reimbursement of local costs. The bill may be silent on the issue. If it is, you should put that fact in a prominent place in your analysis.

- b. Does the bill contain an "SB 90 disclaimer"? This term means an explicit denial of State responsibility to pay the counties. If the bill contains such a disclaimer, you will usually find it toward the end. There will be a reference to the appropriate provision of law. Look for such language as: "Notwithstanding Section 2231 of the Revenue and Taxation Code, etc., there shall be no reimbursement pursuant to this section because..." the language will usually give a reason such as cost savings offsetting the new costs. Your department may disagree with this. If you do not know, get input from appropriate persons or recommend a budget analysis.

Often, the State uses the following standard reason as justification: "because the duties...imposed...by this act are such that related costs are incurred as part of...normal procedures." This statement dodges the issue. The issue, and the question you have to ask, is: Will compliance with the bill entail any specific, identifiable new County costs? If so, put your protest against the disclaimer in a prominent place in your analysis. If you do not know, get input or recommend a budget analysis.

- c. Exceptions: the State may legitimately disclaim responsibility for local costs in the following cases:
- Costs arise only because the bill either defines a new crime or changes the definition of an existing crime.
 - The local government affected has requested the legislation.
 - The legislation merely implements a Federal "mandate" (see Chapter II). In this case, you should make an independent determination whether the mandate in State law goes farther than the Federal requirements.
 - The legislation merely implements a court decision.
 - The bill provides for offsetting savings so that no net costs arise for the local agency. If the bill uses this disclaimer, you must confirm independently that such is the case.
 - The bill imposes duties which were expressly included in a statewide ballot measure which the voters approved. If the bill uses this disclaimer, you should independently compare the bill with the ballot measure to confirm that such is the case.

- d. If the answer to the two previous questions is no, then ask: Does the bill make an appropriation to cover County costs? Standard language for that is: "Then sum of _____ dollars (\$ _____) is hereby appropriated....for allocation and disbursement to local agencies pursuant to....to reimburse such agencies for costs incurred by them pursuant to this act." There need not be a specific reference to a code section or to the Constitution.

Sometimes the bill does not contain a specific amount. In such a case, it is very important to provide or get a cost estimate, because typically State staff calls counties for input on dollar costs. If the bill does contain a specific dollar appropriation, you still have to ask: Is the appropriation enough to cover projected expenses? If not, state the amount of the deficiency in your analysis. If you don't know, get input or recommend a budget analysis.

As you have probably guessed, this is a very important issue. Always look for possible unreimbursed costs to the County.

5. **LEARN AND PAY ATTENTION TO BILL FORMAT**

See Chapter III, Bill Format.

In practice, you will have to analyze amended Federal bills less often than you will have to analyze amended State bills. If you get an assignment to analyze an amended bill, there should usually be an analysis of the original bill on file in your department's legislative section. Therefore, you will normally need to analyze only how the amendments change the previous bill.

6. **KNOW YOUR LEGAL BIBLIOGRAPHY**

You should get familiar with the system by which bills and acts of the Legislature are arranged and codified. Chapter IV, Legal Bibliography, gives you this information. This knowledge is very important because most of the bills you will have to analyze are amendments to existing statutes. Often, you can understand the amendments only after you have put them into their proper context within existing collections of statute (law books). Items 4 and 5 of Chapter IV will show how to apply this to the legal code books you will most often use in your analyses.

7. **DO NOT BE AFRAID TO ASK QUESTIONS**

One distinguishing mark of a good legislative analyst is that individual's willingness to seek appropriate input from others. Only sometimes will you have all the knowledge needed to do a thorough and competent analysis unaided. As staff person, you are part of a team of specialists. Each may have something to contribute to your analysis. Be prepared at all times to supplement your own knowledge by getting and using input from other members of the team.

CHAPTER II

CHAIN OF COMMAND

In Los Angeles County, we speak of certain programs as being "Federally mandated" upon the County. Strictly speaking, this is inaccurate for two reasons:

- Many "Federal mandates" rest upon a State agency which has the option either to administer the program itself or to supervise the local (county) administration of the program. For many Federally funded programs, California has chosen the second option. The State agency merely regulates and supervises a locally administered program. As far as Washington is concerned, this is an in-house matter for California. Washington deals only with the regulating State agency because Federal law requires that a single state agency either:
 - directly administer the program, or
 - regulate and supervise the local administration of the program and be responsible for it.
- The principle of divided sovereignty written into the United States Constitution limits the power of Congress directly to mandate programs upon the states. The Constitution does allow the Congress to grant program money to the states with conditions or strings attached. If the states do not accept the conditions, they forego the money. This is the case with many "Federally mandated" programs. The Federal grants are high enough (often 50 percent to 90 percent of total program costs) to motivate the states to accept the conditions. Legally, however, California could terminate such programs. Obviously, this would not always be possible politically. Also, California could, theoretically, operate the programs without Federal funds and be free of all Federal restrictions. Realistically, however, this is not possible either. Therefore, in real life, the conditions or strings tied to Federal money function the same way as would legal mandates. The Federal government can and does impose financial sanctions (withdrawing the money or demanding it back) upon the states for non-compliance with the conditions (strings) under which it grants the money.

In this context, you can look at and correctly understand the "chain of command". It consists of three levels: Federal, State and County. Each level consists of two sublevels: legislative and executive. The Legislature enacts the statute. The executive promulgates implementing and interpreting regulations.

1. LEVEL ONE: Federal

- a. The Congress: Only Congress can appropriate Federal money. For many Federally co-funded programs, Congress grants money to the states under stated conditions which generally fall into two categories:
- Mandates: where the law says that, to get the money, the state shall.... This defines the requirements the state must fulfill.
 - Options (enabling provisions): where the law says that, with the money, the state may.... This sets limitations beyond which the state may not go in using the money. Congress also appropriates money for distribution directly to local governments. In this case, the "mandates" and the enabling provisions rest directly upon the local government.
- b. Federal Departments: Through statute, the Congress has designated a specific Federal department as the Federal regulatory agency for each program and empowered that department to make implementing and interpreting regulations. These, too, are often directed at the states and may be either mandatory or enabling.

2. LEVEL TWO: State

- a. The State Legislature: Unlike Acts of Congress, California law, enacted by the California State Legislature, is directly binding upon the County as a legal mandate. The County can be sued for failure to comply. As in the case of Federal law, provisions may be either mandatory or enabling. Also, they may be directed either:
- at a State agency primarily and secondarily at the County,
 - or directly at the County.
- b. The State Executive: State agencies govern State mandated programs in essentially the same way that Federal departments govern Federally "mandated" programs. The State agencies relate to the counties in essentially the same way that Federal departments relate to the states. Each of these State agencies issues its own regulations binding the counties.

Since the State must comply with Federal regulations, the State Legislature will convert any new Federal "mandates" into State statute or State regulations which legally bind the counties.

NOTE: Federal auditors may hold the County to State law as well as to Federal law. They may penalize a California agency if it is out of conformity with California law. This is because one of the strings often tied to the Federal money is that the State live up to its own rules.

3. LEVEL THREE: County

- a. Legislative: The Board of Supervisors is the County Legislature, and Board motions or orders bind your department as does the County Charter.
- b. Executive: Your department is an executive department and its program material consists of manual letters, administrative directives, etc. These are signed by the director or by an assistant director, and bind the personnel of the department. Particularly if your department provides a social program to recipients, much of its administrative material may originate as a direct response to new State legislation. This fact is the key to the importance of legislative analysis.

CHAPTER III

BILL FORMAT

There are some differences in the format of a typical bill, depending upon whether it is a Federal or a State bill.

1. STATE BILLS

a. Heading: The heading

- i. identifies the bill by letters and number;
- ii. names the Senator(s) or Assemblymember(s) who authored the bill; and
- iii. carries the date on which the bill was introduced.

b. Amendments:

The original bill contains no writing above the heading.

Once the bill has been amended, the amended versions tell, in capital letters above the heading, on what date(s) and in which chamber(s) the bill was amended.

California uses a system of printing amendments which makes it very easy for the reader to tell what has changed. Most California bills are almost entirely devoted to amendments of the existing California code. The original bill prints amendments as follows:

- Language to be deleted from the code stands in normal print which is lined through in such a way as to remain legible.
- Language which is to remain unchanged appears in normal print.
- New language (to be added) is in italics.

This makes it easy to compare the present code text with the text as it will look if the bill passes.

The first amendment follows essentially the same system, but with a difference. It compares the original bill with the amended bill. Each successive amendment is printed in such a way as to show only the latest change.

- c. Legislative Counsel's Digest: This is a brief summary of the bill. Do not rely on it for your analysis. Legislative Counsel may not be interested in the same aspects of the bill as your department. This summary may remain silent on details that should be very important to your analysis.
- d. Miscellaneous Information: At the end of the digest, the bill will always tell you the following:
 - i. Vote: whether majority or 2/3 vote is needed to pass.
 - ii. Appropriation: yes or no, whether the bill contains one or not.
 - iii. Fiscal Committee: yes or no, whether the bill must be reviewed by that committee or not.
 - iv. State-Mandated Local Program: yes or no, whether the bill mandates any programs (involving costs) on local governments.

2. FEDERAL BILLS

Federal bills are harder to read than State bills for two reasons. They are written in less straightforward language, and they do not print the original text of an amended provision of law. Like the State bills, most Federal bills which will come to your attention will be amendments to existing law. In the case of Federal bills, however, you will have to get a copy of the law being amended. If you do not do this, you will often not be able to interpret the amendment. In practice, you will have to analyze amended Federal bills much less frequently than you will have to analyze amended State bills. Included in the Appendix to this document is some background information on Federal authorizations and appropriations.

3. MAJOR DIFFERENCES BETWEEN FEDERAL AND STATE LEGISLATION AND BUDGETS

- a. Unlike the State legislative process, the Federal process is subject-oriented rather than individual bill-oriented. This subject-orientation is reflected in the following:
 - Federal bills, as introduced, are generally legislative proposals which will not be considered individually - especially if they are not authored by subcommittee or committee chairs.
 - Hearings are generally held on subjects (e.g., welfare reform) rather than on individual bills.
 - Major Federal bills are "marked up" (written) in the subcommittee and committee with jurisdiction over the subject matter, and are authored by subcommittee or committee chairs, who have considerable clout over bills under their jurisdiction.

- A Federal bill may be assigned a new bill number as it moves through the Congress.
 - Unlike State bills, there are no fixed time deadlines for Federal bills to pass certain stages of the legislative process, and Federal bills cannot be unilaterally amended by their authors. Instead, Federal bills can only be amended by a vote in subcommittee, committee, or on the Senate and House floors.
- b. Federal bills generally are less specific than State bills. A Federal bill's legislative history (e.g., committee report language and floor colloquies) play an important role in determining how it is implemented and interpreted in Federal regulations.
- c. Unlike State bills which generally can address only a single subject, a Federal bill can cover multiple, unrelated subjects.
- d. More Federal than State bills are introduced each year, but far fewer Federal bills are enacted because:
- Federal programs are infrequently changed except in major authorization or reauthorization bills which are enacted only once every few years;
 - The relatively few Federal bills of significance which are enacted generally have a much broader scope than enacted State bills. For example, a single Federal omnibus anti-drug abuse bill may have over 100 different sections covering subject areas ranging from anti-drug enforcement to anti-drug education, prevention, and treatment. At the State level, those same subjects would have been addressed through multiple single-subject bills;
 - Chairmen set the legislative agendas for their respective subcommittees and committees, and have the power to unilaterally kill bills by not scheduling them for hearings or markups; and
 - U.S. Senate floor rules and tradition (e.g., "filibusters" and "holds") allow a few senators to block legislation (e.g., Senator Seymour was able to block desert protection legislation this year).
- e. There is a single State budget bill, but no single Federal budget bill. Instead, the Federal budget is shaped by the following legislation:
- A Concurrent Budget Resolution which sets spending and revenue targets to guide Congressional action on fiscal-related bills;
 - 13 individual annual appropriations bills;

- Authorization bills; and
 - Budget reconciliation, tax, or supplemental appropriations bills.
- f. Unlike the Governor, the President lacks a line-item veto authority over fiscal bills. As a result, appropriations bills, which must be signed, often include provisions opposed by the President.
- g. The Federal fiscal year begins on October 1 of the previous calendar year (e.g., the current Federal fiscal year 1993 began October 1, 1993 and will end on September 30, 1994).
- h. Except for tax bills and bills affecting the County as an employer, Federal bills generally do not impose direct mandates on the County. Federal mandates on states are generally in the form of "strings" (e.g., matching or maintenance of effort requirements) tied to the receipt of Federal financial aid.
- i. Most Federal revenue received by the County flows indirectly through the State.

CHAPTER IV

LEGAL BIBLIOGRAPHY

This chapter tells you what you need to know to find your way around in Federal and State statutes and bills.

1. BILLS

- a. The letters tell you what kind of a bill it is and where it originated according to the following systems:

STATE - Assembly:	AB	- Assembly Bill
	ACA	- Assembly Constitutional Amendment
	ACR	- Assembly Concurrent Resolution
	AJR	- Assembly Joint Resolution
	HR	- House Resolution

STATE - Senate:	SB	- Senate Bill
	SCA	- Senate Constitutional Amendment
	SCR	- Senate Concurrent Resolution
	SJR	- Senate Joint Resolution
	SR	- Senate Resolution

FEDERAL - House of Representatives:

HR	- House of Representatives Bill
HCR	- House Concurrent Resolution
HJR	- House Joint Resolution
H Res	- House Resolution

FEDERAL - Senate:

S	- Senate Bill
SJR	- Senate Joint Resolution
SCR	- Senate Concurrent Resolution
S Res	- Senate Resolution

- b. Bills are numbered consecutively each two-year session of the Legislature. There is a separate numerical series for each of the four chambers (two national, two State) and for each type of bill (Sessions begin in odd numbered years.). Every new session the count begins at one again. That is, every session, there will be an HR 1, S 1, AB 1, SB 1, etc. If a bill fails passage, it does not carry over to the next session of the Legislature. If it passes, it gets a number as a statute.

2. STATUTES: Acts of the State Legislature

Acts of the California Legislature are "chaptered". That is, they are assigned consecutive chapter numbers beginning with number one each year. They are cited as follows: "Chapter --, Statutes of 19--." The 19-- refers to the year of enactment. Most of these chapters consist simply of amendments to existing California codes (see Item No. 4 below).

3. STATUTES: Acts of Congress

All Acts of Congress get P.L. (Public Law) numbers such as P.L. 96-203. In these numbers, the first two digits always designate the number of the Congress which enacted the law. The numbers after the hyphen are assigned consecutively, beginning in each Congress anew with the number one. Therefore, P.L. 96-203 means simply the two hundred and third act of the ninety sixth Congress. Each Congress lasts two years. The current 103rd Session of Congress began in January 1993.

4. COLLECTIONS OF STATUTE: The California Codes

California statute is collected into codes by subject matter. Example of California codes are:

- the Government Code
- the Civil Code
- the Penal Code
- the Education Code
- the Welfare and Institutions Code

Because the codes are specialized by subject matter, your department probably will be interested in only one or a few of them. These may be available to you as part of a department library.

In order to understand the wording of many bills, you must know how California codes are organized. Often you will see such phrases as:

- "as used in this division"
- "pursuant to this chapter"
- "the program described in this part"

You can understand these phrases only if you understand the organization of the code in question and use its table of contents.

The Government Code can serve as an example of format for all California codes. You will find in it the following organization:

- The code may be divided into a number of titles. Each title treats a major subject area.
- Each title may be subdivided into a number of divisions. Each division has a subject heading.
- Each division may be subdivided into a number of parts. Each part has a subject heading.
- Each part may be subdivided into chapters, each with a subject heading.
- Each chapter may be subdivided into articles, each with a heading.
- The smallest numbered unit is the section.
- There may be gaps in the chain. For example, a division may break down directly into chapters, without an intervening breakdown into parts. Not all chapters break down into articles. The breakdown into sections is never skipped, however. Every word in the code will belong to a numbered section.

Once you are familiar with this principle, you will easily interpret expressions such as "this article", "this part", or "this chapter". Simply locate the section containing those words in its proper place in the table of contents and you will have the answer.

EXAMPLE: Section 18252 of the Welfare and Institutions Code reads: "The services authorized by this chapter may be provided...irrespective of the financial condition of the child...". The table of contents, or the chapter headings in the text, show that Section 18252 is part of Chapter 4 of Part 6 of Division 9 of the code. The chapter heading is Protective Services for Children. The meaning of the language is now clear. Children can get protective services without regard to income.

DEFINITIONS: Sometimes, you will read mysterious looking phrases such as:

- "The department shall...", or
- "The director shall...".

To deal with such language, you will need to familiarize yourself with the definitions used in the codes you use most often, and learn to look up definitions in less used codes.

Each California code will contain an article or chapter, normally close to the beginning, containing definitions of terms as used throughout that code, "unless the context otherwise requires." In addition, there may be special definition sections in which the language explicitly limits the application of the definitions to a specific part of the code ("this title", "this division", "this chapter", etc.). It is important, therefore, always to look at any language you read in a section of law from the point of view of the larger context in which it stands.

EXAMPLE: Section 37541 of the Government Code states: "By ordinance, the legislative body may establish a public museum...". The table of contents shows that this section is in Title 4 of the Government Code. Section 34000, also in Title 4, states: "As used in this title, legislative body means the board of trustees, city council, or other governing body of a city".

5. COLLECTIONS OF FEDERAL STATUTE

As with State bills, most Federal bills you will analyze will consist of amendments to existing law. Like California law, Federal law also contains such expressions as "this section", "this title", "this part", etc. There is a big difference, however.

In general, it is easier to find your way around in California law. California bills refer almost exclusively to the codes which they amend. Federal bills may refer to either of two systems of law which they amend.

a. Acts of Congress: Federal bills cite acts of Congress either by United States Code (USC) Section or by a "popular name", e.g. Social Security Act, Higher Education Act of 1979, Housing and Community Development Amendment of 1978. The basic breakdown of these acts is:

- Section: The basic unit of any Federal statute. Sections are designated by Arabic numerals. An act may contain several hundred of them.
- Title: A grouping of 100 sections, designated by a Roman numeral in capitals (e.g. Title XIX). Titles usually do not actually contain 100 sections, but they always indicate "hundred-blocks". The Roman numeral identifies the hundred-block. Therefore, Title I of any act means Sections 100 to 199 of that act although Sections 133 to 199, for example, may be nonexistent; Title V means Sections 500 to 599; Title XIX means Sections 1900 to 1999; etc.
- Part: A subdivision of a title, designated by a capital letter. For example, Part A of Title IV of the Social Security Act (abbreviated as Title IV-A) consists of Sections 401 to 410 of that act. Sections 411 to 419 do not exist now; later amendments may add them. Title IV-B consists of Sections 420 to 426.

The main problem with this reference system is that even the law libraries do not have up-to-date versions of most acts of Congress. Updated copies do not appear in print on any regular basis. Therefore, references to these acts must be translated into references to the second system.

- b. United States Code (USC): Although Federal bills only sometimes refer to it as such, all Federal law is organized into the USC. This code is cited by title number, each title broken down into sections and encompassing a large subject. There are 50 titles. The USC appears in print and is updated annually. Index volumes allow translation from popular names to P.L. numbers into code title and section numbers. The County Counsel library has a complete set of the USC.

APPENDIX



BACKGROUND ON AUTHORIZATIONS AND APPROPRIATIONS

<u>Page</u>	<u>Description</u>
1	Multiyear Authorizations
2	Features of an Authorization Bill
3	Entitlements
4	Regular Appropriation
5	No-Year Appropriations
6	Continuing Appropriations
7	Supplemental Appropriations
8	Permanent Appropriations
9	Appropriations Report Language
10	Comparative Statement of Budget Authority

11/10/87
5/87

Multiyear Authorizations

Multiyear authorizations usually are for a two- to five-year period, with amounts specified for each of the years. Some multi-year authorizations are open-ended. Multiyear authorizations often authorize escalating amounts for the years covered by the legislation.

PUBLIC LAW 96-461—OCT. 15, 1980

94 STAT. 2049

Public Law 96-461
96th Congress

An Act

To authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes.

Oct. 15, 1980
(S. 2320)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Years 1981 and 1982".

National Bureau
of Standards
Authorization
Act for Fiscal
Years 1981 and
1982

AUTHORIZATION FOR PROGRAM ACTIVITIES

Sec. 2. (a) There are hereby authorized to be appropriated to the Secretary of Commerce, hereinafter referred to as the Secretary, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

- (1) Measurement Research and Standards, for fiscal year 1981, \$44,161,000, and for fiscal year 1982, \$52,577,000;
- (2) Engineering Measurements and Standards, for fiscal year 1981, \$21,516,000, and for fiscal year 1982, \$24,667,000;
- (3) Computer Science and Technology, for fiscal year 1981, \$11,603,000, and for fiscal year 1982, \$12,263,000;
- (4) Core Research Program for Innovation and Productivity, for fiscal year 1981, \$12,800,000, and for fiscal year 1982, \$18,080,000;
- (5) Technical Competence Fund, for fiscal year 1981, \$6,176,000, and for fiscal year 1982, \$8,794,000;
- (6) Fire Research Center, for fiscal year 1981, \$1,253,000, and for fiscal year 1982, \$1,378,000;
- (7) Central Technical Support, for fiscal year 1981, \$10,112,000, and for fiscal year 1982, \$24,623,000.

(b) Notwithstanding any other provision of this or any other Act, for fiscal years 1981 and 1982:

- (1) of the total amount authorized under subsection (a)(1), not less than \$245,000 shall be available for the "Environmental Measurements Program" for fiscal year 1981 and \$270,000 for fiscal year 1982;
- (2) of the total amount authorized under subsection (a)(2), not less than \$425,000 shall be available for the purpose of "Earthquake Hazards Engineering" for fiscal year 1981 and \$475,000 for fiscal year 1982;
- (3) of the total amounts authorized under subsections (a)(1) and (a)(2), not less than \$1,000,000 shall be available for "Measurement Standards for the Handicapped" for fiscal year 1981 and \$1,100,000 for fiscal year 1982;
- (4) of the total amount authorized under subsection (a)(4), \$2,000,000 is authorized for the purpose of "Automated Manufacturing Research Facility" for fiscal year 1981 and \$4,000,000 for fiscal year 1982; and

Features of an Authorization Bill

Authorizations vary in their program specificity as well as their duration. The excerpt below, from the NASA authorization for fiscal 1985, divides the "research and development" funds into ten specific program amounts.

In order to anticipate the need for additional funds after the beginning of the fiscal year, an authorization bill may refer to "additional or supplemental amounts as may be necessary."

Public Law 98-361
98th Congress

An Act

July 16, 1984
H.R. 5134

To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

National
Aeronautics
and Space
Administration
Authorization
Act, 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1985".

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1984:

(a) For "Research and development", for the following programs:

- (1) Space transportation capability development, \$351,400,000;
- (2) Space station, \$150,000,000;
- (3) Physics and astronomy, \$696,200,000;
- (4) Life sciences, \$63,300,000;
- (5) Planetary exploration, \$296,900,000;
- (6) Space applications, \$390,100,000 of which \$45,000,000 is authorized only for the Advanced Communications Technology Satellite flight program which is designed to lead to a launch of such satellite no later than 1989;
- (7) Technology utilization, \$9,500,000;
- (8) Aeronautical research and technology, \$352,400,000, of which \$24,000,000 is authorized only for activities which are designed to lead to a flight test of a single rotation or counter rotation turboprop concept no later than 1987 (and for supporting research and technology);
- (9) Space research and technology, \$150,000,000; and
- (10) Tracking and data advanced systems, \$15,300,000.

(b) For "Space flight, control and data communications", for the following programs:

- (1) Space shuttle production and operational capability, \$1,470,600,000;
- (2) Space transportation operations, \$1,319,000,000; and
- (3) Space and ground network, communications and data systems, \$795,700,000.

(dX1) For "Research and program management", \$1,316,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Oct 1 1984
Sept 20

Entitlements

Status. Entitlements are provisions of law which give eligible recipients a legal right to payments from the federal government. The federal government is obligated to make these payments even if funds are not set aside for them in the budget.

Some entitlements have permanent appropriations, and funds for them become available without action by Congress. Other entitlements go through the annual appropriations process, but Congress has no control over them at this stage.

Entitlements (including interest on the public debt) are defined as a form of "spending authority" in section 401(c) of the budget act. Entitlements account for about 50 percent of total federal spending.

Rules. The budget act sets forth various rules for congressional consideration of entitlements.

Under section 303 of the budget act, the House and Senate cannot consider entitlement legislation until the first budget resolution for the next fiscal year has been adopted. This prohibition covers entitlements which would become effective in a future fiscal year as well. This provision is sometimes waived by Congress, especially when adoption of the budget resolution is delayed.

In a reconciliation instruction, Congress can direct committees to report legislation changing entitlement laws in their jurisdiction.

New entitlements that exceed the amounts set aside in section 302 allocations to committees must be referred to the Appropriations committees under a 15-day time limit. Pursuant to section 401, the Appropriations committees can report an amendment changing the amount of the entitlement.

The Congressional Budget Office prepares five-year cost projections of entitlements reported by House and Senate committees.

Regular Appropriation

There are 13 regular appropriations bills. Each bill is structured by government agency and has its own appropriations subcommittee. Regular appropriation bills generally provide agency funding for a single fiscal year.

PUBLIC LAW 98-360—JULY 16, 1984

98 STAT. 403

Public Law 98-360
98th Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes.

July 16, 1984
[H. R. 3631]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1985, for energy and water development, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL

Rivers and
harbors
Flood control
Beach erosion

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$138,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$864,500,000, to remain available until expended, of which, for that increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, \$1,300,000 shall be made available for the Ocean Township to Sandy Hook reach with the first Federal construction increment being a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Branch with the non-Federal share of construction and maintenance of the Ocean Township to Sandy Hook reach to consist of moneys expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth

New Jersey
shore
South
Williamson, Ky
Canaveral
Harbor, Fla

No-Year Appropriations

A no-year appropriation provides funds that "remain available until expended." Budget authority usually remains available until the objectives for which the authority was made available are attained.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL

Rivers and
harbors
Flood control
Beach erosion

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$138,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$864,500,000, to remain available until expended, of which, for that increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, \$1,300,000 shall be made available for the Ocean Township to Sandy Hook reach with the first Federal construction increment being a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Branch with the non-Federal share of construction and maintenance of the Ocean Township to Sandy Hook reach to consist of moneys expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth

New Jersey
shore.
South
Williamson, Ky
Canaveral
Harbor, Fla.

Continuing Appropriations

A continuing appropriation is made for agencies that have not received their regular appropriation by the start of the new fiscal year on October 1. Commonly called a "continuing resolution," because the legislation is enacted in the form of a joint resolution, this law has the same effect as a regular appropriation bill. During the last 20 years, the importance of the continuing appropriation bill has varied. In recent years, the bill has been a very important vehicle for substantive legislation.

Continuing appropriations are in effect either until the regular appropriation bill is enacted or until a specified expiration date. During the period between October 1 and the congressional adjournment date there are often several continuing resolutions that cover short periods of time while Congress completes as much action as possible on regular appropriation bills. The final continuing resolution generally provides funding through the remainder of the fiscal year for any unfinished regular appropriations action.

Unlike a regular appropriation bill, a continuing appropriation generally does not provide specific amounts of budget authority for particular accounts. Instead, the funding is specified in terms of a designated baseline, such as the House or Senate passed appropriation; the appropriation for the previous fiscal year; or the amount of funding necessary to continue the program in its present form, allowing for inflation.

Since a continuing appropriation is not a regular appropriation bill, there is no prohibition on funding unauthorized programs. Continuing appropriations therefore often provide authorizations for programs that lack reauthorization.

STAT 904

PUBLIC LAW 98-151—NOV 14, 1983

Public Law 98-151
98th Congress

Joint Resolution

Nov 14 1983
HJ Res 4131

Making further continuing appropriations for the fiscal year 1984.

Further
continuing
appropriations
for fiscal year
1984

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1984, and for other purposes, namely:

SEC. 101. (a) Pending enactment of the Department of Defense Appropriation Act, 1984, such amounts as may be necessary for continuing activities, not otherwise specifically provided for elsewhere in this joint resolution, which were conducted in fiscal year 1983, for which provision was made in the Department of Defense Appropriation Act, 1983, but such activities shall be funded at not to exceed an annual rate for new obligational authority of \$247,000,000,000, which is an increase above the current rate, and this level shall be distributed on a pro rata basis to each appropriation account utilizing the fiscal year 1984 amended budget request as the base for such distribution and shall be available under the terms and conditions provided for in the applicable appropriation Acts for fiscal year 1983: *Provided*, That, unless approved by both

— Stat 11-11

Supplemental Appropriations

A supplemental appropriation provides additional funding during the fiscal year for agencies that have already received their regular appropriation. Supplemental appropriations are necessary for budget authority that is beyond original estimates for existing programs and activities, and for budget authority for newly enacted legislation.

In the spring, there is usually a big "urgent" supplemental appropriation to cover additional costs for many programs and to provide the necessary funds for pay increases accorded federal employees at the beginning of the fiscal year.

The material in a supplemental appropriation is arranged by the regular appropriation bills. For example, all supplemental funding that would fall within the Agriculture appropriation bill would be listed first, followed by funding that would fall in the Commerce, Justice, State, & Judiciary appropriation bill and so on through all appropriation bill jurisdictions.

PUBLIC LAW 98-396—AUG. 22, 1984

98 STAT. 1369

Public Law 98-396
98th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes

Aug. 22, 1984
(H. R. 4411)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, namely:

Second
Supplemental
Appropriations
Act, 1984

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, \$30,200,000, to remain available until expended.

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1984

For additional amounts for appropriations for the fiscal year 1984, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", \$6,752,000;
"Office of the Legislative Counsel of the Senate", \$38,000;
"Senate Policy Committees", \$86,000;
"Inquiries and investigations", \$1,218,000;

Permanent Appropriations

A permanent appropriation provides funds that become available for obligation without current action by Congress. Most permanent appropriations are permanent provisions of law, providing budget authority that is automatically available for expenditure. Advance appropriations, provided in a previous session of Congress, also are classified as permanent appropriations in the year that the funds become available. The excerpt on this page is from 31 U.S.C. section 1305.

§ 1305. Miscellaneous permanent appropriations

Necessary amounts are appropriated for the following:

- (1) to pay the proceeds of the personal estate of a United States citizen dying abroad to the legal representative of the deceased on proper demand and proof.
- (2) to pay interest on the public debt under laws authorizing payment.
- (3) to pay proceeds from derelict and salvage cases adjudged by the courts of the United States to salvors.
- (4) to make payments required under contracts made under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) for the payment of interest on obligations guaranteed by the Secretary of Housing and Urban Development under section 108.
- (5) to make payments required under contracts made under section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)) for projects or programs for which amounts had been committed before January 1, 1975, and for which amounts have not been appropriated.
- (6) to pay the interest on the fund derived from the bequest of James Smithsonian, for the construction of buildings and expenses of the Smithsonian Institution, at the rates determined under section 5590 of the Revised Statutes (20 U.S.C. 54).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 918;
Pub. L. 97-432, § 1(4), Jan. 12, 1983, 96 Stat.
2467.)

Appropriations Report Language

Appropriations are made in a small number of budget accounts. Each account is likely to consist of a number of activities or programs and raises various policy issues. The appropriations committees often deal with specific activities or issues in the reports accompanying their bills. The report language is not legally binding, but it usually is followed closely by the agency receiving the appropriation.

NEW CONSTRUCTION POLICY

The House passed the Water Resource Development Appropriation Bill, 1984 (H.R. 3958) on October 6, 1983. This bill has been reported by the Senate Committee on Appropriations and is awaiting floor action by the Senate. This bill includes several new construction starts for the Corps of Engineers and the Bureau of Reclamation.

In addition, the Committee on Public Works and Transportation has reported H.R. 3678 which will authorize many new water resource programs and projects.

Pending enactment of H.R. 3678 or similar legislation and Senate action on H.R. 3958, your Committee believes it would not be prudent to include new construction starts in the regular 1985 Energy and Water Development Appropriation Bill.

The Committee fully intends to revisit the issue of new construction starts in September 1984. That should provide the authorizing committees sufficient time to complete action of authorizing legislation.

There has been no major authorization bill for new Corps of Engineers construction since 1970. There has been no major new construction appropriations provided for five years.

The inland waterway system of the United States has served the nation well, with over 25,000 miles of navigable waterways in use today. Nearly 300 billion ton-miles of commerce is transported over this system each year, more than any other nation in the world.

Many of the facilities which are operational today have outlived their economic life. It is an aging system, and many of the locks are undersized, such as Gallipolis Locks on the Ohio River in West Virginia and Ohio. The outmoded facilities cause significant congestion at these locks and result in substantial economic losses.

The Committee was advised of two recent costly accidents at the Gallipolis Locks caused by the difficult approach conditions, which increase the hazard to navigation. These accidents resulted in serious damages to towing equipment and the Corps facilities, and costs of several millions of dollars to the towing companies for delay time while traffic was halted until a lock could be repaired. During the 17-day lock closure caused by one of the accidents, 162 tows were tied up a total of 5,543 hours, which equates to about \$2 million in delay losses to the towing companies.

Replacement of obsolescent and deteriorated locks and equipment is a major undertaking that will require many years to complete, and it is in the best interest of the nation to expedite this process so that the resultant benefits can be realized as soon as possible.

The Committee on Appropriations in September 1984 may well recommend for full House consideration a new construction program for the Corps of Engineers and the Bureau of Reclamation.

The Committee directs that no up/roast financing or cost sharing of studies or otherwise be implemented pending enactment of the required legislation.

Comparative Statement of Budget Authority

The committee report for a regular or supplemental appropriation contains a summary table that compares the amount for each account in the bill with the budget estimate and the previous appropriation. In addition, tables for each specific account show the difference between the committee's recommendation for that account and the president's budget estimate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1984 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1985

Agency and item	New budget (obligational) authority (fiscal year 1984	Budget estimate of new (obligational) authority (fiscal year 1985	New budget (obligational) authority recommended in bill	Bill compared with—	
				New budget (obligational) authority, fiscal year 1984	Budget estimate of new (obligational) authority, fiscal year 1985
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
Department of the Army					
Corps of Engineers - Civil					
General investigations.....	133,810,000	118,000,000	131,831,000	+18,041,000	+13,831,000
Construction, general.....	894,104,000	874,000,000	933,814,000	+18,910,000	+19,814,000
Flood control and coastal engineering.....	10,000,000	10,000,000	10,000,000	---	---
Revolving fund.....	9,500,000	---	---	-9,500,000	---
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.....	306,400,000	304,000,000	326,309,000	+25,829,000	+22,309,000
Operation and maintenance, general.....	1,184,497,000	1,297,000,000	1,339,483,000	+155,191,000	+12,683,000
General expenses.....	103,000,000	113,000,000	113,000,000	+10,000,000	---
Special recreation use fees.....	6,000,000	---	---	-6,000,000	---
Administrative provisions (limitation on capital expenditures).....	(78,000,000)	---	---	(-78,000,000)	---
Total, title I, Department of Defense - Civil	2,641,364,000	2,716,000,000	2,873,837,000	+232,471,000	+157,837,000
New budget (obligational) authority.....	2,641,364,000	2,716,000,000	2,873,837,000	+232,471,000	+157,837,000
(Limitation on capital expenditures).....	(78,000,000)	---	---	(-78,000,000)	---



1

Permanent Appropriations

A permanent appropriation provides funds that become available for obligation without current action by Congress. Most permanent appropriations are permanent provisions of law, providing budget authority that is automatically available for expenditure. Advance appropriations, provided in a previous session of Congress, also are classified as permanent appropriations in the year that the funds become available. The excerpt on this page is from 31 U.S.C. section 1305.

§ 1305. Miscellaneous permanent appropriations

Necessary amounts are appropriated for the following:

(1) to pay the proceeds of the personal estate of a United States citizen dying abroad to the legal representative of the deceased on proper demand and proof.

(2) to pay interest on the public debt under laws authorizing payment.

(3) to pay proceeds from derelict and salvage cases adjudged by the courts of the United States to salvors.

(4) to make payments required under contracts made under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) for the payment of interest on obligations guaranteed by the Secretary of Housing and Urban Development under section 108.

(5) to make payments required under contracts made under section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)) for projects or programs for which amounts had been committed before January 1, 1975, and for which amounts have not been appropriated.

(6) to pay the interest on the fund derived from the bequest of James Smithsonian, for the construction of buildings and expenses of the Smithsonian Institution, at the rates determined under section 5590 of the Revised Statutes (20 U.S.C. 341).

(Pub. L. 97-253, Sept. 13, 1982, 96 Stat. 918;
Pub. L. 97-452, § 1(4), Jan. 12, 1983, 96 Stat. 2467.)

Appropriations Report Language

Appropriations are made in a small number of budget accounts. Each account is likely to consist of a number of activities or programs and raises various policy issues. The appropriations committees often deal with specific activities or issues in the reports accompanying their bills. The report language is not legally binding, but it usually is followed closely by the agency receiving the appropriation.

NEW CONSTRUCTION POLICY

The House passed the Water Resource Development Appropriation Bill, 1984 (H.R. 3958) on October 6, 1983. This bill has been reported by the Senate Committee on Appropriations and is awaiting floor action by the Senate. This bill includes several new construction starts for the Corps of Engineers and the Bureau of Reclamation.

In addition, the Committee on Public Works and Transportation has reported H.R. 3678 which will authorize many new water resource programs and projects.

Pending enactment of H.R. 3678 or similar legislation and Senate action on H.R. 3958, your Committee believes it would not be prudent to include new construction starts in the regular 1985 Energy and Water Development Appropriation Bill.

The Committee fully intends to revisit the issue of new construction starts in September 1984. That should provide the authorizing committees sufficient time to complete action of authorizing legislation.

There has been no major authorization bill for new Corps of Engineers construction since 1970. There has been no major new construction appropriations provided for five years.

The inland waterway system of the United States has served the nation well, with over 25,000 miles of navigable waterways in use today. Nearly 300 billion ton-miles of commerce is transported over this system each year, more than any other nation in the world.

Many of the facilities which are operational today have outlived their economic life. It is an aging system, and many of the locks are undersized, such as Gallipolis Locks on the Ohio River in West Virginia and Ohio. The outmoded facilities cause significant congestion at these locks and result in substantial economic losses.

The Committee was advised of two recent costly accidents at the Gallipolis Locks caused by the difficult approach conditions, which increase the hazard to navigation. These accidents resulted in serious damages to towing equipment and the Corps facilities, and costs of several millions of dollars to the towing companies for delay time while traffic was halted until a lock could be repaired. During the 17-day lock closure caused by one of the accidents, 162 tows were tied up a total of 5,543 hours, which equates to about \$2 million in delay losses to the towing companies.

Replacement of obsolescent and deteriorated locks and equipment is a major undertaking that will require many years to complete, and it is in the best interest of the nation to expedite this process so that the resultant benefits can be realized as soon as possible.

The Committee on Appropriations in September 1984 may well recommend for full House consideration a new construction program for the Corps of Engineers and the Bureau of Reclamation.

The Committee directs that no upfront financing or cost sharing of studies or otherwise be implemented pending enactment of the required legislation.

Comparative Statement of Budget Authority

The committee report for a regular or supplemental appropriation contains a summary table that compares the amount for each account in the bill with the budget estimate and the previous appropriation. In addition, tables for each specific account show the difference between the committee's recommendation for that account and the president's budget estimate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1984 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1985

Agency and item	New budget (obligational) authority fiscal year 1984	Budget estimate of new (obligational) authority fiscal year 1985	New budget (obligational) authority recommended in bill	Bill compared with—	
				New budget (obligational) authority, fiscal year 1984	Budget estimate of new (obligational) authority, fiscal year 1985
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
Department of the Army					
Corps of Engineers - Civil					
General investigations.....	113,810,000	118,000,000	151,851,000	+18,041,000	+13,851,000
Construction, general.....	894,184,000	874,000,000	933,014,000	+38,910,000	+59,014,000
Flood control and coastal engineering.....	10,000,000	10,000,000	10,000,000	---	---
Revolving fund.....	9,500,000	---	---	-9,500,000	---
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.....	104,400,000	104,000,000	126,309,000	+25,629,000	+22,309,000
Operation and maintenance, general.....	1,184,497,000	1,297,000,000	1,339,683,000	+155,191,000	+42,683,000
General services.....	103,000,000	113,000,000	113,000,000	+10,000,000	---
Special recreation use fees.....	0,000,000	---	---	-0,000,000	---
Administrative provisions (limitation on capital expenditures).....	(78,000,000)	---	---	(-78,000,000)	---
Total, title I, Department of Defense - Civil	2,641,346,000	2,716,000,000	2,673,857,000	+222,471,000	+157,857,000
New budget (obligational) authority.....	2,641,346,000	2,716,000,000	2,673,857,000	+222,471,000	+157,857,000
(Limitation on capital expenditures).....	(78,000,000)	---	---	(-78,000,000)	---

